



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

**DEPARTMENT OF  
TELECOMMUNICATIONS & ENERGY**

ONE SOUTH STATION

**BOSTON, MA 02110**  
**(617) 305-3500**

**JANE SWIFT**  
GOVERNOR

**JENNIFER DAVIS CAREY**  
DIRECTOR OF CONSUMER  
AFFAIRS  
AND BUSINESS REGULATION

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VIA EMAIL AND REGULAR MAIL

**MEMORANDUM**

TO: All Parties to D.T.E. 01-31-Phase II

FROM: Paula Foley, Hearing Officer

RE: Request for Supplemental Filing

DATE: October 7, 2002

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The Department determines that it will benefit our deliberations in D.T.E. 01-31-Phase II (Track A) concerning Verizon Massachusetts' compliance with the Phase I Order to receive a supplemental filing from Verizon in reply to the issues raised in AT&T's responses to DTE-ATT 2-1 and 2-2. Verizon's response should be filed with the Department by close of business on Friday, October 11, 2002, and should address, but not necessarily be limited to, the following issues:

1. The two approaches AT&T suggests that the Department could adopt to ensure contestability of Verizon's retail business services;
2. The disparity between Verizon's provisioning of retail special circuits/facilities and its provisioning of wholesale special access to CLECs (*i.e.*, Verizon's retail special circuits/facilities are provisioned mostly out of its intrastate tariff, whereas wholesale special access is provisioned mostly out of Verizon's interstate tariff);
3. Whether the NYPSC's "safe harbor" test established in its Order Denying Rehearing and Clarifying Primarily Local Traffic Standard (issued August 10, 1999) is permissible under FCC rules and regulations; and,

4. The FCC's rules and regulations relied upon for Verizon to invoke a "no facilities - no build" policy.

If you have any questions, please contact me at (617) 305-3608.